

AGENDA
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 19, 2014

Work Session 4:00 p.m. Policy Session 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

*** This meeting may be held telephonically to allow a member of the City Council to participate ***

4:00 P.M. WORK SESSION – COUNCIL CHAMBERS

1. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
 - A. Presentation by Bidders for Eagle Mountain City's Electric Distribution System
2. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

POLICY SESSION – CITY COUNCIL CHAMBERS

3. CALL TO ORDER
4. PLEDGE OF ALLEGIANCE
5. INFORMATION ITEMS/UPCOMING EVENTS
6. PUBLIC COMMENTS – Time has been set aside for the public to express their ideas, concerns and comments. *(Please limit your comments to three minutes each.)*
7. CITY COUNCIL/MAYOR'S ITEMS – Time has been set aside for the City Council and Mayor to make comments. *(Comments are limited to three minutes each.)*

CONSENT AGENDA

8. MINUTES
 - A. August 5, 2014 – Regular City Council Meeting
9. FINAL PAYMENT
 - A. Eagle Mountain Cemetery Roadway and Waterline Project – Kenny Seng

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Work Sessions,
please call the City Recorder's Office at least 3 working days prior to the meeting at 801-789-6610.

SCHEDULED ITEMS

PUBLIC HEARING

10. AGREEMENT – Consideration of a Bid for Eagle Mountain City’s Electric Distribution System and Related Equipment and Facilities.

BACKGROUND: *(Presented by Staff)* On July 30, 2014, the City issued a Request for Bids to find a qualified buyer, partner, interlocal entity, or other arrangement related to the sale, lease or transfer of the City’s right, title and interest in the City’s electric system and transfer of service for the City’s existing electric customers. The City Council will consider any and all bids submitted by qualified bidders.

11. RESOLUTION – Consideration of a Resolution of Eagle Mountain City, Utah, Submitting a Ballot Proposition to Eagle Mountain City Residents Regarding the Sale of the City’s Electric Distribution System and Facilities.

BACKGROUND: *(Presented by Staff)* In compliance with Utah Code Ann. § 10-7-15(1)(a)(ii), Eagle Mountain City intends to submit to the registered voters of Eagle Mountain City, the question of the sale of the City’s electric system. The question will be presented to Eagle Mountain City registered voters as a ballot proposition on the November 4, 2014 regular general election.

12. CITY COUNCIL/MAYOR’S BUSINESS – This time is set aside for the City Council’s and Mayor’s comments on City business.
13. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

14. COMMUNICATION ITEMS
 - A. Upcoming Agenda Items

15. ADJOURNMENT

CERTIFICATE OF POSTING

The undersigned duly appointed recorder or deputy recorder does hereby certify that the above agenda notice was posted in four public places within Eagle Mountain City limits on this **14th day of August, 2014**. These public places being bulletin boards located inside the City offices and located in the Eagle Mountain City Library, 1650 E. Stagecoach Run, Eagle Mtn., UT; and the bulletin board located inside the Prairie Gate professional office building, 3688 E. Campus Dr., Eagle Mountain, Utah. On this **14th day of August, 2014**, the above agenda notice was posted to the Utah State public notice website <http://www.utah.gov/pmn/index.html>.

Fionnuala B. Kofoed, City Recorder

MINUTES
EAGLE MOUNTAIN CITY COUNCIL MEETING

August 5, 2014

Work Session 5:00 p.m. Policy Session 7:00 p.m.

Eagle Mountain City Council Chambers, 1650 East Stagecoach Run, Eagle Mountain, Utah 84005

5:00 P.M. WORK SESSION – COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham and Richard Steinkopf. Tom Westmoreland participated by telephone starting at 6:05 p.m. Ryan Ireland was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Dave Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sheriff's Deputy.

Mayor Pengra called the meeting to order at 5:07 p.m.

1. CITY ADMINISTRATOR INFORMATION ITEMS – This is an opportunity for the City Administrator to provide information to the City Council. These items are for information and do not require action by the City Council.
 - A. Update from Rodeo Committee
Jared Gray, President of the Rodeo Committee, reported that the lease agreement for the rodeo grounds has been signed. The committee met with the stock contractor last weekend. Temporary bleachers will be provided by the vendor for the rodeo, with the permanent bleachers to be constructed after the event. Tickets will go on sale in the next couple of days. The rodeo dates will be Sept 18-20.

The committee has collected \$10,000 in sponsorships and has received commitments for an additional \$25,000. The committee will need a minimum of \$30,000 to produce the event.
 - B. Update on Energy Sale and Use Tax
Item 1B was postponed until a future meeting.

Mr. Pili noted that the City published a Request for Bids for the Hidden Canyon Park sod and irrigation projects. No bids were received, so the Parks Dept. will do the work in-house. Some of their other projects will need to be delayed while they lay sod and install the irrigation system.

2. AGENDA REVIEW – The City Council will review items on the Consent Agenda and Policy Session Agenda.

13. Porter's Crossing Town Center

Trevor Hull, representing the developers, asked what questions the Mayor and Council had for him.

Mayor Pengra asked what plans are in place to prevent flooding in the event of a serious rainstorm. Mr. Hull responded that the developer had done a storm drain analysis of the entire area. The Tickville Wash is the main route for water. The developers plan to add a pipe through the commercial area and add a box culvert and riprap. In the residential area there will be an 18-inch pipe leading to the border of Saratoga Springs adjacent to this project. A detention pond will be constructed that will be sized to handle all the areas that drain into it through a 24-inch pipe.

Councilmember Steinkopf mentioned the extreme amount of water that went into Tickville Wash during the storm event last week. He was concerned that the pipes Mr. Hull talked about would clog with debris. Mr. Hull explained that there will be a large box culvert in addition to the pipes.

Councilmember Burnham asked what the developer planned for the improved open space. Mr. Hull said that there will be exercise equipment along the trails and pocket parks throughout the trail system. Children are already practicing and playing soccer in the detention pond, which will rarely fill with water. It is sized never to fill entirely. The developers would like to have a community recreation center rather than several small clubhouses.

Councilmember Bradley liked the trail system with the fitness sites. He was concerned about the shape and location of the triangular park in Area 8. He also asked whether the large road through the center of the plan was really going to go all the way through. Mr. Hull said the road as it is sized is a capital improvement, so the developers may ask for some reimbursement from the City.

Councilmember Bradley asked whether the development will have homeowners' associations. Mr. Hull said he would prefer not to have them. He would rather dedicate open space to the City and have City employees maintain it, although he understands that would be an additional burden on the employees. City Attorney Jeremy Cook stated that the decision can be addressed in the master development agreement. He would prefer to leave it flexible. Mr. Hull pointed out that if the development includes clubhouses and/or pools, those amenities will have to be maintained by HOAs. Area 10 is in The Ranches HOA area, so it will have to be included in that HOA.

Councilmember Westmoreland was able to join the meeting at 6:05 p.m., after some telephone connection problems were solved.

Councilmember Westmoreland asked if about 50 of the townhome units in Area 3 could be changed to single-family, detached cluster homes to improve the diversity in Area 3.

Mayor Pengra asked if the trails through the power line corridor were permitted by Kern River, the owner of the property. Steve Olsen of the Energy Dept. said that they are allowed, with some restrictions.

16. DIGIS Wireless Service Tower Site Lease

The Planning Commission approved a Conditional Use Permit for this tower. It will be located behind the water tank on the foothill above the east end of Eagle Mountain Blvd. It will be 12.5 feet tall, which will be minimally visible from residential areas.

Councilmember Burnham asked if the lease payments could be used to fund landscaping in the City Center area, since the tower is located in City Center.

Sarah Nunn, representing DIGIS, answered a Council question on fencing for the site. She said the company prefers not to have a fence enclosing their equipment, since it would shade the solar

panels that power the system. At other sites, fencing seems to draw more vandalism than happens at sites without fencing. If power ever becomes available to the site, DIGIS would be able to remove both the solar panels and the equipment shed. They can paint the equipment in camouflage colors if the City wants them to. They also find that posting a “high voltage” sign keeps vandals away.

3. ADJOURN TO A CLOSED EXECUTIVE SESSION – The City Council will adjourn into a Closed Executive Session for the purpose of discussing reasonably imminent litigation and the purchase, lease or exchange of real property pursuant to Section 52-4-205(1) of the Utah Code, Annotated.

No Closed Executive Session was held.

The meeting was adjourned at 6:26 p.m.

POLICY SESSION – CITY COUNCIL CHAMBERS

ELECTED OFFICIALS PRESENT: Adam Bradley, Donna Burnham and Richard Steinkopf. Tom Westmoreland participated by telephone. Ryan Ireland was excused.

CITY STAFF PRESENT: Ifo Pili, City Administrator; Paul Jerome, Assistant City Administrator/Finance Director; Jeremy Cook, City Attorney; Fionnuala Kofoed, City Recorder; Melanie Lahman, Deputy City Recorder; Dave Norman, Public Works Director; Chris Trusty, City Engineer; Steve Mumford, Planning Director; Adam Ferre, Energy Director; Linda Peterson, Public Information Director; Kent Partridge, Building Official; Rand Andrus, Fire Chief; Eric McDowell, Sheriff’s Deputy.

4. CALL TO ORDER

Mayor Pengra called the meeting to order at 7:09 p.m.

5. PLEDGE OF ALLEGIANCE

Luke Pannell led the Pledge of Allegiance.

6. INFORMATION ITEMS/UPCOMING EVENTS

- **City Survey** - Eagle Mountain City would love to get your feedback on City government and services. A survey for residents is available through August 15 on the City website, News section. After completing the survey there is a link to enter a drawing for a \$50 utility bill credit. Three credits will be awarded through a random drawing. Winners will be contacted.
- **UDOT Road Project Updates** –Regular project updates for UDOT’s extension of Pioneer Crossing to Cory B. Wride Memorial Hwy (SR 73) and the Redwood and Bangerter interchange project will be posted on the City website, News section and shared via Twitter, Facebook, and email.
- **Mobile App** – The City has cancelled its contract for the mobile app due to unresolved issues with the function of the app and the small number of users. Those who have downloaded the app should uninstall it, as the City will no longer be updating it.

- **Movie in the Park** – The City will hold another free Movie in the Park event on Friday, August 15 at SilverLake Amphitheater. The movie will be “Little Giants” and will start at 9:15 p.m. Candy concessions and food trucks will be on site. Residents are welcome to bring their own food in to picnic. Games for the kids will be offered before show time.

7. **PUBLIC COMMENTS** – Time has been set aside for the public to express their ideas, concerns and comments.

Wendy Lojik stated that she has been working on several community projects. Because the dirt road near the rodeo grounds has historical significance, she and some other residents are finding ways to preserve the history of the road. It has three types of historical significance: it's part of the Pony Express Trail, part of Johnson Army Road (associated with Camp Floyd) and part of the stagecoach route to the West.

8. **CITY COUNCIL/MAYOR'S ITEMS** – Time has been set aside for the City Council and Mayor to make comments.

Councilmember Steinkopf

Councilmember Steinkopf asked residents to drive carefully as students return to school.

Councilmember Burnham

Councilmember Burnham said that the traffic circle and triangle leading to her subdivision are in bad shape and asked that they be improved before all the vegetation dies. She asked for a status report on the trail leading to Vista Heights Middle School. City Engineer Chris Trusty stated that it's making progress, but it's behind schedule. It's been combined with a road widening project, which has slowed the process. Councilmember Burnham said her concern was that Alpine School District will not allow any children to ride a bus unless they have a bus card. She was worried about the children who will need to walk to school. She also said the traffic light at Westlake High School hasn't been started. Mr. Trusty responded that the trail, road widening and traffic light are all part of the same contract.

Councilmember Bradley

Councilmember Bradley thanked those who helped with filling sandbags during the recent rain storms. He suggested that City employees return to a five-day work week, rather than 4 ten-hour days staggered over a five-day week. He felt that too few employees work on Fridays. He would like the City to consider a “dark sky” ordinance, which was recently discussed in a City Council meeting.

Councilmember Westmoreland

Councilmember Westmoreland apologized for not being at the meeting in person, but was happy he could participate by phone.

Mayor Pengra

Mayor Pengra said that the purpose of a dark sky ordinance is to limit the light output from lighting fixtures to reduce light pollution. It is being worked on by City staff. Regarding a five-day work week, Mayor Pengra has discussed this with City Administration. It may be approved in the future; however, there are specific reasons for having employees work four ten-hour days. Regarding the recent, tragic accidents on Wride Highway, he encouraged everyone to slow down, drive the speed limit, don't text and drive or drink and drive.

CONSENT AGENDA

9. MINUTES

- A. July 15, 2014 – Regular City Council Meeting

10. BOND RELEASE – Into Warranty

- A. Sunset Ridge, Plat A-1
- B. Evans Ranch, Plat B-1

11. BOND RELEASE – Out of Warranty

- A. Valley View Ranch North, Plats A-1, A-2 & A-3

12. SITE PLANS

- A. Porter's Crossing Town Center Church
- B. Evans Ranch Church

MOTION: *Councilmember Burnham moved to approve the Consent Agenda. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

SCHEDULED ITEMS

PUBLIC HEARING

13. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Amending the General Plan and Porter's Crossing Town Center Master Development Plan.

This item was presented by Planning Director Steve Mumford. The proposed amendment to the General Plan rezones 31.09 acres within the Porter's Crossing Master Development Plan from 'Mixed Use Commercial' to 'Mixed Use Residential.' The amendment to the Porter's Crossing Town Center Master Development Plan removes 39.9 acres of commercial space, reduces the gross open space by 6.94 acres, and increases the total residential units from 443 to 766, by replacing commercial acreage with residential. The proposal includes the introduction of new residential designations ranging from single to multi-family dwelling units. Mr. Mumford noted that high-density residential areas are appropriate uses adjacent to commercial areas.

Some of the concerns identified by staff include the park space that is poorly shaped and not centrally located, just because the land isn't buildable. Each of the three residential areas should have its own clubhouse, pool and park. Area 5 has many lots whose frontages are less than the required 55'. Area 3 needs more diversity in its home types.

Mayor Pengra opened the public hearing at 7:33 p.m. As there were no comments, he closed the hearing.

Councilmember Steinkopf asked for details on the fitness stations along the trails. Mr. Hull explained that they will include various fitness equipment, such as inclined benches, pull-up bars and stairs. The nearest similar project is in the lineal park along the Mountainview Corridor in Herriman. Mr. Hull said he would welcome input from the Council on what equipment should be located at the fitness stations.

Councilmember Bradley agreed with the Planning Commission recommendations. In addition, he was concerned about the size, shape and location of the park. He asked Mr. Hull if a soccer or football field would fit in it. Mr. Hull said that they would fit in the park, but the park is more suited to a playground and softball fields. Football and soccer would fit better in Area 9.

Councilmember Westmoreland asked whether Porter's Crossing is wide enough to accommodate the commercial and church traffic and the parking that will come with this master development plan. Mr. Trusty, City Engineer, said the street will accommodate what is being planned.

Mayor Pengra asked Mr. Hull if the original land use plan was a guess as to what the community needed. Mr. Hull said it was. The plan was changed as more information became available. Mayor Pengra asked how the developers came up with the ratio of commercial to residential property. Mr. Hull said that Saratoga Springs' new commercial properties and the Evans Ranch commercial properties are directed at the same customers as the original commercial plans for Porter's Crossing Town Center. The developers decided they needed to delay the project until after Ridley's was open.

Councilmember Westmoreland asked to clarify that what is being voted on is the rezoning, not the details of the development. Mayor Pengra said that was correct.

MOTION: *Councilmember Steinkopf moved to adopt an ordinance of Eagle Mountain City, Utah amending the General Plan and Porter's Crossing Town Center master development plan, with the conditions recommended by the Planning Commission. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

The Planning Commission recommendations were as follows:

1. A detailed parks/landscaping plan must be returned to the Planning Commission for a recommendation prior to approval of the master development agreement by the City Council. This plan must include the proposed amenities, trails, trees, and equipment required to meet the point values found in *Table 16.35.130(c) Pocket and Neighborhood Park Elements*.
 2. The Master Development Agreement must include language requiring that Area 3 provides a variety of housing products.
 3. The cul-de-sac and stub road in Area 5 must be reviewed for approval by the Fire Marshal.
 4. Area 5 lots must be revised to reflect the 55-ft minimum frontage standard.
 5. The hash-marked space in Area 5 must remain reserved for future community uses approved by the City.
 6. The bonus density requirements must be detailed in the master development agreement.
 7. The traffic study requirements must be met and detailed in the master development agreement.
 8. The wash must either be piped or a 100-foot buffer from the top of the bank must be shown on the plans.
 9. This approval is contingent upon a General Plan amendment being approved to allow for these land uses.
14. ORDINANCE – Consideration of an Ordinance of Eagle Mountain City, Utah, Repealing Chapter 3.35 of the Eagle Mountain Municipal Code for the Sale of a City-Owned Utility.

This item was presented by City Attorney Jeremy Cook. Chapter 3.35 of the Eagle Mountain Municipal Code, requiring a referendum election, is being repealed as it does not comply with state law for the sale of a municipal gas or electric utility.

Mayor Pengra stated that the sale of the electric and gas utilities will significantly change the course of the City. State Code now requires the sale of an electric utility to go to a ballot. State Code doesn't require that for a gas utility. However, the sale of Eagle Mountain's gas utility is completely dependent on the sale of the electric utility. This ballot proposition does not take any tools out of residents' hands. By law, residents could initiate a referendum if they were not satisfied with the outcome of the election.

MOTION: *Councilmember Burnham moved to adopt an ordinance of Eagle Mountain City, Utah repealing Chapter 3.35 of the Eagle Mountain Municipal Code for the sale of a City-owned utility. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

15. AGREEMENT – Consideration of a Purchase Agreement with Cate Rental and Sales, LLC, for an Asphalt Paver and Roller.

This item was presented by Public Works Director Dave Norman. City staff submitted a Request for Bids for an asphalt paver and roller that would allow the Streets Department to do in-house road pavement projects and repairs. Cate Rental and Sales, LLC, was the sole bidder. Mr. Norman explained that the equipment has been in use since June on a rental basis. The rent paid will be credited towards the purchase price. The Streets Dept. has paved over 32,000 square feet of roads in the last month. Last year, City employees paved 55,000 square feet, using rental equipment, during the whole year.

MOTION: *Councilmember Steinkopf moved to approve a purchase agreement with Cate Rental and Sales, LLC, for an asphalt paver and roller in the amount of \$230,160. Councilmember Burnham seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

16. AGREEMENT – Consideration of a Lease Agreement with DIGIS, LLC, for a Wireless Internet Service Site on City-Owned Property.

This item was presented by Planning Director Steve Mumford. The Planning Commission approved a Conditional Use Permit for a wireless internet service site on City-owned property east of the end of Eagle Mountain Blvd. behind the City water tank. The site is 656 sq. ft. and will include a 12.5' tall tower with an equipment shed and a solar array.

Mr. Cook stated that the last sentence of section 5.2(5) should specify that the City won't allow any other tower built in the City to use those frequencies. In addition, the legal description will be added to the agreement

MOTION: *Councilmember Burnham moved to approve a lease agreement with DIGIS, LLC, for a wireless internet service site on City-owned property, with the following changes: striking paragraph 3.2; in section 5.2(5), after the word "lease," adding the words "for this property"; and in section 1.1, adding the actual legal description*

of the property. Councilmember Bradley seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.

17. CITY COUNCIL/MAYOR’S BUSINESS – This time is set aside for the City Council’s and Mayor’s comments on City business.

Councilmember Steinkopf

No comment.

Councilmember Burnham

Councilmember Burnham reported that the Rodeo Committee is moving forward. They have sponsorships, bleachers scheduled to arrive in early September, and tickets going on sale tomorrow. The Youth City Council election will be held on August 12.

Councilmember Bradley

No comment.

Councilmember Westmoreland

No comment.

Mayor Pengra

Mayor Pengra explained that at the August 19 City Council meeting, the Council will most likely award a bid to one of the two electric providers interested in purchasing the City’s electric utility, assuming both of them submit bids.

18. CITY COUNCIL BOARD LIAISON REPORTS – This time is set aside for Councilmembers to report on the boards they are assigned to as liaisons to the City Council.

None.

19. COMMUNICATION ITEMS

- A. Upcoming Agenda Items
- B. Financial Report

20. ADJOURNMENT

MOTION: *Councilmember Burnham moved to adjourn the meeting at 8:11 p.m. Councilmember Steinkopf seconded the motion. Those voting aye: Adam Bradley, Donna Burnham, Richard Steinkopf and Tom Westmoreland. The motion passed with a unanimous vote.*

EAGLE MOUNTAIN CITY
CITY COUNCIL MEETING
AUGUST 19, 2014

TITLE:	Final Payment for 2014 Eagle Mountain Cemetery Roadway and Waterline Project		
FISCAL IMPACT:	\$119,795.20		
APPLICANT:	Brad Hickman, Parks & Recreation		
GENERAL PLAN DESIGNATION N/A	CURRENT ZONE N/A	ACREAGE N/A	COMMUNITY

NOTICES:

- Posted in 2 public places
- Posted on City webpage
- Notice to newspapers

REQUIRED FINDINGS:

**Public Works Board
Recommendation**

Vote: N/A

Prepared By:
Chris T. Trusty

NOTES/COMMENTS:

RECOMMENDATION:

That the City Council approves the final payment for the 2014 Eagle Mountain Cemetery Roadway and Waterline Project to Kenny Seng in the amount of \$119,795.20.

BACKGROUND:

As part of the 2014 City budget, Eagle Mountain City provided funding for their first ever cemetery. A location was decided on earlier this year, and a cemetery plat was created and recorded to allow the City to begin selling burial plots. As part of this project, City staff solicited bids for the construction of a roadway for the first phase of this project, as well as a water line to provide irrigation for the cemetery.

The bid awarded was for \$145,489.00 which included paving the roadway. This portion of the project was removed from the contract and the paving was placed by City crews. The final cost covers the placement of the waterline, grading, and placement of the sub-base and base layers. All work has been inspected throughout the construction process, and is in conformance with City standards.

RESOLUTION NO. R- -2014

**A RESOLUTION SUBMITTING A BALLOT PROPOSITION TO
EAGLE MOUNTAIN CITY RESIDENTS REGARDING THE SALE OF
THE CITY'S ELECTRIC DISTRIBUTION SYSTEM AND FACILITIES**

WHEREAS, Eagle Mountain City (the "City") owns and operates an electric distribution system and related equipment and facilities (the "Electric System"); and

WHEREAS, the City's provide electric service to the majority of the residents in Eagle Mountain City through the Electric System; and

WHEREAS, the City has approximately \$_____ in existing bond obligations which was issued to finance the construction of the City's natural gas and electric infrastructure; and

WHEREAS, in conjunction with the possible sale of the Electric System, the City has been negotiating with parties related to the sale of the City's natural gas utility; and

WHEREAS, on July 30, 2014, the City issued a Request for Bids to find a qualified buyer, partner, interlocal entity, or other arrangement (a "Proposer") related to the sale, lease or transfer of the City's right, title and interest in the Electric System and transfer of service for the City's existing electric customers; and

WHEREAS, on August, 19, 2014, the City Council held a public hearing to consider to the bids submitted by qualified bidders; and

WHEREAS, after careful consideration, the City Council accepted the bid of _____; and

WHEREAS, Utah Code Ann. § 10-7-15(1)(a)(ii) provides for and requires submitting to the registered voters of Eagle Mountain City the question of the sale or lease of the Electric System; and

WHEREAS, the City has determined it is in the best interests of its residents to submit an opinion question to the voters in the City as a ballot proposition on the November 4, 2014 regular general election ballot regarding the proposed sale of the Electric System to _____.

NOW THEREFORE BE IT RESOLVED by the Eagle Mountain City Council that:

1. Pursuant to the statutory authority granted by Utah Code Ann. § 10-7-15, an opinion question regarding the sale of the City's electric distribution system and related equipment and facilities shall be placed upon the November 4, 2014 regular general election

ballot as a ballot proposition so that each Eagle Mountain City resident has the opportunity to express an opinion on the proposed sale of the Electric System

2. The opinion question shall be submitted to Eagle Mountain City residents as a ballot proposition on the ballot for the November 4, 2014 regular general election in substantially the following form:

OFFICIAL BALLOT PROPOSITION FOR SALE OF ELECTRIC DISTRIBUTION SYSTEM AND RELATED EQUIPMENT AND FACILITIES

Shall Eagle Mountain City, Utah, be authorized to sell its electric distribution system and related equipment and facilities (the “Electric System”) and transfer electric service for residents in Eagle Mountain City to _____ ?

FOR SALE OF ELECTRIC SYSTEM

☐

AGAINST SALE OF ELECTRIC SYSTEM

☐

- 1) Pursuant to applicable law, City staff is hereby directed to:
 - a) provide a copy of this resolution to both the Lieutenant Governor and the Utah County Clerk;
 - b) provide notice of the ballot proposition election on the sale of the Electric System opinion question by:
 - i) publishing notice once per week during three consecutive weeks in a newspaper having general circulation in Clearfield not less than 21 days, nor more than 35 days prior to the election;
 - ii) publishing notice on the Utah Legal Notices website for the three weeks immediately preceding the election;
 - iii) preparing and providing a voter information pamphlet including arguments for and against the proposed sale of the Electric System to each household containing a registered voter who is eligible to vote on the ballot proposition not less than 15 days, nor more than 45 days prior to the election;
 - c) make efforts to notify the City’s residents of the opportunity to file a request to prepare and provide arguments either for or against the proposed sale of the Electric System which may be included in the voter information pamphlet to be made available to each household in Eagle Mountain City in accordance with Utah Code Ann. § 20A-7-402;

- d) post the arguments and rebuttal arguments designated by the election officer both for and against the imposition of the proposed sale of the Electric System on the Statewide Electronic Voter Information Website and the City's website for 30 consecutive days prior to the election;
- e) schedule a public meeting of the City Council at least 4, but not more than 14 days prior to the November 4, 2014 election where arguments for and against the proposed sale of the Electric System can be presented and where any interested party may be heard; and
- f) perform any other tasks necessary or required by law in order to properly bring the proposed sale of the Electric System set forth above as a ballot proposition to the people of Eagle Mountain City on the November 4, 2014 general election.

ADOPTED by the City Council of Eagle Mountain, Utah, this _____ day of August, 2014.

EAGLE MOUNTAIN CITY, UTAH

Chris Pengra, Mayor

ATTEST:

Fionnuala B. Kofoed, CMC
City Recorder

CERTIFICATION

The above resolution was adopted by the City Council of Eagle Mountain City on the 19th day of August, 2014.

Those voting aye:

- ☐ Adam Bradley
- ☐ Donna Burnham
- ☐ Ryan Ireland
- ☐ Richard Steinkopf
- ☐ Tom Westmoreland

Those voting nay:

- ☐ Adam Bradley
- ☐ Donna Burnham
- ☐ Ryan Ireland
- ☐ Richard Steinkopf
- ☐ Tom Westmoreland

Fionnuala B. Kofoed, CMC
City Recorder

EXHIBIT A

UPCOMING AGENDA ITEMS

SEPTEMBER 2, 2014

- CHANGE ORDER – waterline project

SEPTEMBER 16, 2014

OCTOBER 7, 2014

OCTOBER 21, 2014

OTHER PROJECTS

- AGREEMENT – Camp Williams Gas